

Instrument Approved By  
Gas & Oil Board  
0527

BOOK 523 PAGE 528

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

ENTERED

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB-00-1017-0829

ELECTIONS: UNIT EE-28  
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on December 11, 2000 which was recorded at Deed Book 517, Page 281 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on December 20, 2000, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates that the escrow of funds is required with regard to Unit EE-28;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Union National Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Telephone: (215) 985-3485 or (800) 664-9359, Attn: Don Ballinghoff, or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

**Mailing of Order and Filing of Affidavit:** The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven seven (7) days from the date of receipt of this Order.

**Conclusion:** Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

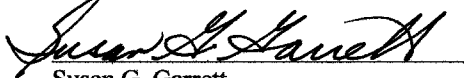
**Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 1<sup>st</sup> day of May, 2001, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler


STATE OF VIRGINIA  
COUNTY OF WISE

Acknowledged on this 1<sup>st</sup> day of May, 2001, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary

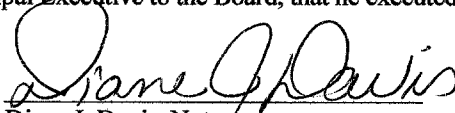
My commission expires: 7-31-02.

DONE AND PERFORMED THIS 4<sup>th</sup> day of May, 2001, by Order of the Board.

  
B. R. Wilson,  
Director of the Division of Gas & Oil Board and  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 4<sup>th</sup> day of May, 2001, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.

  
Diane J. Davis, Notary

My commission expires: 9/30/2001

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit EE-28  
VGOB-00-1017-0829 in the Hurricane District of Buchanan County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") REGARDING  
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by Consol Energy Inc., as a Gas Engineer and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the designated operator,

That the Order entered on December 11, 2000, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the county identified above; that said Order was recorded on December 20, 2000;

That the designated operator POCAHONTAS GAS PARTNERSHIP has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of December 11, 2000;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are not subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 2<sup>ND</sup> day of APRIL, 2001.

Leslie K. Arrington  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Gas Engineer of Consol Energy Inc., on behalf of the corporate Designated Operator, this 2<sup>nd</sup> day of April, 2001.

Sherri R. Scott  
Notary

My commission expires: 11/30/01.

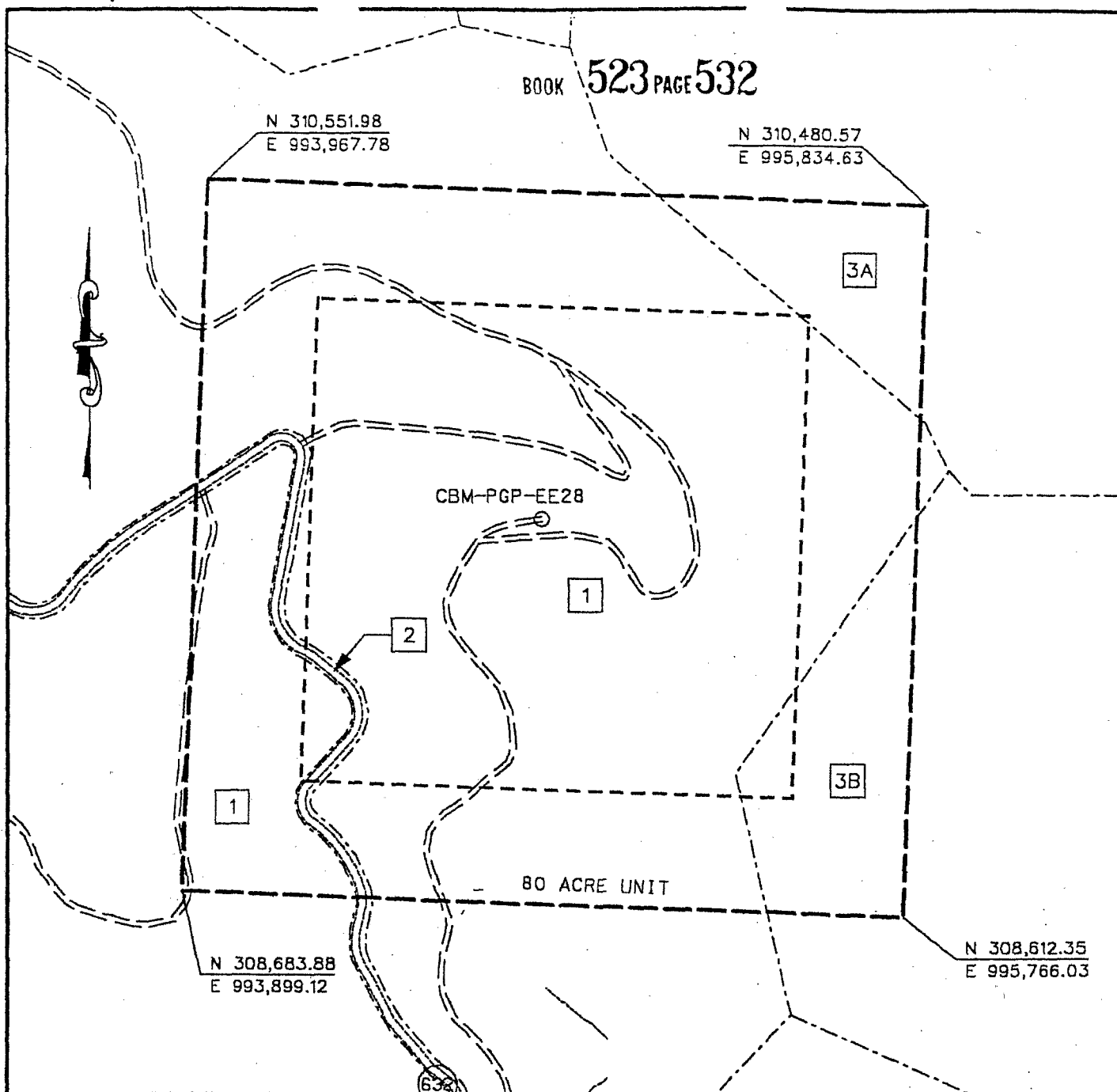


EXHIBIT A  
OAKWOOD FIELD UNIT EE-28  
FORCE POOLING  
VGOB-00-1017-0829

Company Pocahontas Gas Partnership Well Name and Number UNIT EE28  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Keen Mountain  
County Buchanan District Hurricane Scale: 1" = 400' Date 9/12/00  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GD-7  
Rev. 9/91

Claudio D. Noyes  
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

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**POCAHONTAS GAS PARTNERSHIP**  
Unit EE-28  
Tract Identifications

1. J. S. Gillespie, et al. - Fee  
Consolidation Coal Company - Below Tiller Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
67.18 acres                      83.9750%
  
2. Virginia Department of Transportation - Fee  
1.53 acres                      1.9125%
  
- 3A. Coal Mountain Mining - TR 1- Coal  
Consolidation Coal Co. - Below Tiller Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Pocahontas Gas Partnership - Oil & Gas Leased  
G. J. Sisk, Heirs - Surface, Oil & Gas  
4.45 acres                      5.5625%
  
- 3B. Coal Mountain Mining - TR 1 - Coal  
Consolidation Coal Co. - Below Tiller Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
New Garden Coal Corp. - Surface & Gas  
6.84 acres                      8.5500%

	Acres in Unit	Percent of Unit
<b>I. COAL FEE OWNERSHIP</b>		
<u>Tract No. 2, 1.53 Acres</u>		
(1) Virginia Dept. of Transportation P.O. Box 1768 Bristol, VA 24203	1.53 acres	1.91250%
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>		
<u>Tract No. 2, 1.53 Acres</u>		
(1) Virginia Dept. of Transportation P.O. Box 1768 Bristol, VA 24203	1.53 acres	1.91250%
<u>Tract No. 3A, 4.45 Acres</u>		
(1) G.J. Sisk, Heirs, Devisees, Successors or Assigns	4.45 acres	5.56250%
(h) Kenneth Farmer Rt. 1 Box Raven, VA 24639	0.1483 1/30 of 4.45 acres	0.18542%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract No. 3A, 4.45 Acres</u>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Co., LLP - Tr.1 P.O. Box 675 Tazewell, VA 24651	4.45 acres	5.56250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) G.J. Sisk Heirs, Devisees, Successors or Assigns	4.45 acres	5.56250%
(a) Oliver Sisk Rt.1 Box 62 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(b) Maria Sisk Rt.1 Box 31A Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(c) Pearl Rose Rt.1 Box 194 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(d) Ocie Sisk Davis Rt.1 Box 31A Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(e) James Parrot Sisk Rt.1 Box 39 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(f) Charlie Sisk Heirs c/o Jane Sisk 189 8th Street NW Barberton, OH 44203	0.15 acres 1/30 of 4.45 acres	0.18542%
(g) Goldie Rose Rt.1 Box 39 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(h) Kenneth Farmer Rt.1 Box Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(i) Paul Keen Rt.1 Box 52 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(j) Ralph Keen Rt.1 Box 52 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(k) Virgil Rose RR2 Box 200 Pounding Mill, VA 24637	0.15 acres 1/30 of 4.45 acres	0.18542%
(l) Olbert Rose c/o Mary F. Rose Box 617 Doran, VA 24642	0.15 acres 1/30 of 4.45 acres	0.18542%



Exhibit E  
UNIT EE-28  
Docket # VGOB-00-1017-0829  
List of Conflicting Owners/Claimants that require escrow

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	Acres in Unit	Percent of Unit
(m) Opal Tackett P.O. Box 777 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(n) Alma McNutty Rt.1 Box 49B Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(o) Maria Johnson State Rt. Box 43 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(p) Darrel Rose Rt.1 Box 39 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(q) Nancy Rose Box 568 Keen Mountain, VA 24624	0.15 acres 1/30 of 4.45 acres	0.18542%
(r) Richard Rose Box 568 Keen Mountain, VA 24624	0.15 acres 1/30 of 4.45 acres	0.18542%
(s) Tessie Rose Box 568 Keen Mountain, VA 24624	0.15 acres 1/30 of 4.45 acres	0.18542%
(t) Janie Sisk 189 8th Street NW Barberton, OH 44203	0.15 acres 1/30 of 4.45 acres	0.18542%
(u) Anna Lambert Rt.1 Box 52 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(v) Ann McCowan Rt.1 Box 52 Raven, VA 24639	0.15 acres 1/30 of 4.45 acres	0.18542%
(w) Harold Rose Rt.2 Box 203B Pearisburg, VA 24134	0.15 acres 1/30 of 4.45 acres	0.18542%
(x) Jennifer Friend 189 8th Street NW Barberton, OH 44203	0.15 acres 1/30 of 4.45 acres	0.18542%
(y) Charlene Thompson 189 8th Street NW Barberton, OH 44203	0.15 acres 1/30 of 4.45 acres	0.18542%
(z) Keith Sisk 189 8th Street NW Barberton, OH 44203	0.15 acres 1/30 of 4.45 acres	0.18542%
(aa) Linda Hale 189 8th Street NW Barberton, OH 44203	0.15 acres 1/30 of 4.45 acres	0.18542%
(bb) Brenda Sisk P.O. Box 1755 Grundy, VA 24614	0.15 acres 1/30 of 4.45 acres	0.18542%

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List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(cc) Arnold Keen Rt.2 Box 91 Cedar Bluff, VA 24609	0.15 acres 1/30 of 4.45 acres	0.18542%
(dd) Ruby Hale P.O. Box 731 Cedar Bluff, VA 24609	0.15 acres 1/30 of 4.45 acres	0.18542%

Tract No. 3B, 6.84 Acres

COAL FEE OWNERSHIP

(1) Coal Mountain Mining Co., LLP - Tr.1 P.O. Box 675 Tazewell, VA 24651	6.84 acres	8.55000%
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OIL & GAS FEE OWNERSHIP

(1) New Garden Coal Corporation c/o Edward VanDyke P.O. Box 29 Tazewell, VA 24651	6.84 acres	8.55000%
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VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 523 day of May, 2001.  
Deed Book No. 523 and Page No. 528  
Returned this date to: DMME  
TESTE: James M. Bevens, Jr. Clerk  
TESTE: Attidia L. Mele Deputy Clerk

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INSTRUMENT #011001273  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
MAY 7, 2001 AT 08:53AM  
JAMES M. BEVINS JR., CLERK

BY:



**Department of Mines, Minerals and Energy**  
DIVISION OF GAS & OIL  
POST OFFICE BOX 1416  
ABINGDON, VIRGINIA 24212